

2001 DRAFTING REQUEST**Bill**Received: **04/06/2001**Received By: **phurley**Wanted: **As time permits**

Identical to LRB:

For: **Roger Breske (608) 266-2509**By/Representing: **Elizabeth Piliouras**This file may be shown to any legislator: **NO**Drafter: **phurley**

May Contact:

Addl. Drafters:

Subject: **Transportation - motor vehicles**Extra Copies: **TNF, ARG, PG**Submit via email: **NO**

Requester's email:

Pre Topic:

No specific pre topic given

Topic:

Vans used to transport school children

Instructions:

disallow use of 10-15 passenger vans for transporting school children

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	phurley 04/30/2001	hhagen 04/30/2001	martykr 05/01/2001	_____	lrb_docadmin 05/01/2001	lrb_docadminS&L 06/11/2001	

FE Sent For:

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/1	phurley 04/30/2001	hhagen 04/30/2001	martykr 05/01/2001	_____	lrb_docadmin 05/01/2001		S&L

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04/26/2001 11:30:58 AM

Page 1

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FE Sent For:

<END>

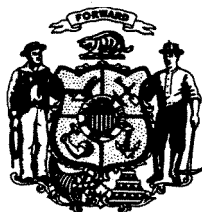
ROGER BRESKE

STATE SENATOR

12th District

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State Capitol, South Wing
P.O. Box 7882
Madison, WI 53707-7882
(608) 266-2509

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Sen.Breske@legis.state.wi.us

Web Address:
<http://www.legis.state.wi.us/senate/sen12/sen12.html>

MEMORANDUM

April 2, 2001

TO: Peggy Hurley, Drafting Attorney
Legislative Reference Bureau
FR: Elizabeth Piliouras for
Senator Roger Breske

RE: School Bus Driver Retesting

Roger is requesting that 1999 Assembly Bill 509 be redrafted for this session. This legislation would require retesting of school bus drivers under the age of 70 every four years. Attached, for your reference, is a summary prepared by WisDOT related to this proposal.

RE: Bus Driver Felony Convictions

Roger is requesting legislation be drafted to amend §343.12(2)(e), Wis. Stats., to remove "within the 5 years." The intent of this proposal is to prohibit an individual "convicted of a felony or offense against public morals in this state" from receiving a Bus Driver endorsement from WisDOT. A copy of §343.12(2)(e), Wis. Stats., with the text to be deleted highlighted, is included for your reference.

RE: Use of Illegal Vans for Transporting School Children

Roger is requesting legislation be drafted to amend §121.55(1)(a), §121.555(1)(b) and §340.01(56), Wis. Stats., to specify that a legal alternative method of pupil transportation must be "a motor vehicle that is designed and used" to carry the appropriate number of passengers. Related correspondence is attached for your reference.

Draft Request

TO: Peggy Hurley, Drafting Attorney

FR: Beth Piliouras for Senator Roger Breske

April 2, 2001

Page Two

RE: RR Crossing – CDL Disqualification

Roger is requesting legislation be drafted to amend §343.315, Wis. Stats., and other affected sections to include CDL disqualification for railroad crossing infractions. Attached, for your reference, is a summary prepared by WisDOT related to this proposal.

RE: Out-of-state Convictions: New Residents

Roger is requesting legislation be drafted to eliminate the requirement to revoke or suspend the operating privilege of Wisconsin residents for convictions in another jurisdiction if they have been reinstated or are eligible to be reinstated in the other jurisdiction. Attached, for your reference, is a summary prepared by WisDOT and related state statutes.

As always, please feel free to give me a call at 266-2509 if you have any questions or concerns regarding this request.



State of Wisconsin Department of Public Instruction

Mailing Address: P.O. Box 7841, Madison, WI 53707-7841
125 South Webster Street, Madison, WI 53702
(608) 266-3390 TDD (608) 267-2427 FAX (608) 267-1052
Internet Address: www.dpi.state.wi.us

John T. Benson
State Superintendent

Steven B. Dold
Deputy State Superintendent

December 13, 2000

Robert W. Christian
Executive Director
Wisconsin School Bus Association
P.O. Box 168
Sheboygan, WI 53082-0168

Dear Mr. Christian:

This responds to your July 28, 2000, letter regarding the use of large (11-15) passenger vans for pupil transportation. Please accept my apologies for the delay in responding. I share your concern for children's safety and would like to assist in your efforts to enact legislation to prohibit the use of these vehicles to transport students to or from school or school-related activities, except in the case of an emergency and with the approval of the Secretary of Transportation under section 121.555(1)(b), Wis. Stats.

Research conducted by DPI staff indicates there is strong evidence to support your claim that 11-15 passenger vans are unsafe. Both the National Transportation Safety Board and the National Association of State Directors of Pupil Transportation Services recently adopted the position that 11-15 passenger vans do not provide a level of safety appropriate for use in transporting students. Although federal law prohibits dealers from selling or leasing a new 11-15 passenger van to be used for pupil transportation, school districts are not prohibited from purchasing, leasing, or renting used vans for that purpose. I agree the statutes should be modified to prohibit the use of these vans to transport students, except in the case of an emergency.

To ensure that an 11-15 passenger van would not be a legal alternative method of pupil transportation under section 121.555(1)(a), regardless of the number of passengers or seating positions, I recommend the statute be modified to read "a motor vehicle that is designed and used to carry 9 or fewer passengers in addition to the driver." This language would make it clear that use of an 11-15 passenger van would not constitute compliance with the law even if one or more rows of seats were removed from the vehicle. In addition, I suggest sections 121.555(1)(b) and 340.01(56), Wis. Stats., which relate to vehicles transporting 10 or more passengers in addition to the driver, also be modified to refer to the design, as well as the use, of the vehicle. Such a change would ensure consistency among state statutes describing vehicles used for pupil transportation.

Department staff has initiated discussions with the Department of Transportation regarding this issue, and I am asking that agency to also support your efforts to enact legislation limiting the use of these vans for pupil transportation to emergency situations. If you have not yet done so, I recommend you bring this issue to the attention of the Governor and the Wisconsin Legislature.

I am confident that, through the combined efforts of your association, the Department of Public Instruction, and the Department of Transportation, we can ensure that safer transportation is provided for the state's children.

Sincerely,

John T. Benson
State Superintendent

ml

TO: LRB
Mary Ann
DOT
DPI

Phase in
2004

that the necessary repairs were made to older buses and keep awareness about this problem high by emphasizing it during school bus driver training.

"Before pulling away from each stop, drivers should look at the closed exit door carefully and then use their outside mirrors to look again to make sure a child is not still attached to the bus," Martin said.

The handrails, also called grab rails, are located inside school buses, sometimes on both sides of the step well. Snagging occurs when something gets wedged between the body of the bus and the lower end of the handrail or in the door itself. School bus manufacturers have designed simple remedies that fill the gap to prevent the likelihood of snagging.

According to Martin, the big yellow school bus is one of the safest forms of transportation in the U.S. and fatal incidents involving school buses are rare events. He credits the industry's stellar safety record to its vigilance in alerting parents and school officials to even potential problems; the sheer size of the school bus that gives it an advantage in all but the most severe crashes; extensive federal safety requirements that exceed those for other passenger vehicles; and the skill, special licensing requirements and training of school bus drivers.

Each year, about 440,000 public school buses travel 4.3 billion miles, transporting 23.5 million school children. Over the past ten years, an average of nine school-age children died as occupants of school buses, and 22 were killed as pedestrians struck while getting on or off the bus (including those who were killed in snagging incidents).

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Safety Officials Warn: Selling Passenger Vans as School Buses Violates Federal Law

Washington, DC - States that permit the use of passenger vans instead of traditional school buses are putting children at increased risk, and dealers that sell them violate federal law, the National Highway Traffic Safety Administration (NHTSA) joined school bus experts in warning today.

According to Charles Gauthier of the School Bus Information

country is their choice of transportation to and from school. It's false economy for states to cut corners in pupil transportation by allowing students to ride in 12- and 15-passenger vans."

"Yet, 19 states currently allow vans for school transportation, and 27 permit their use to transport students for school-related activities, such as field trips and sporting events. Decisions to use vans appear to be budgetary ones. But from a safety perspective, it's a penny wise and pound foolish policy," Gauthier said.

Tragically, there have been crashes involving passenger vans where school children were killed or seriously injured. As the result of National Transportation Safety Board (NTSB) investigations of several such crashes, last December Senators John McCain and Ernest Hollings and National Transportation Safety Board (NTSB) Chairman Jim Hall signed a letter to the governors of each state asking them to enact state laws prohibiting the use of vans for school transportation.

Gauthier said several states already have taken actions to phase out the use of passenger vans, but most have not. In fact, during the past two years, two states revised their laws to allow the use of vans for transporting school children.

NHTSA gave another reason for states to rethink their laws allowing passenger vans for student transportation - *it's illegal for dealers to sell or lease new vans for this purpose.*

"Federal law prohibits dealers from selling or leasing a new motor vehicle with a capacity of more than 10 persons for the purpose of transporting students to and from school, or a school-related activity, unless the vehicle meets the rigorous Federal Motor Vehicle Safety Standards for school buses," Gauthier said.

It is difficult to modify a van to meet all the safety requirements, and a full-sized bus has the added and very significant safety advantage of its much larger size. "You can't just paint a van yellow and call it a school bus. Parents need to know that a van offers their children much less protection in a crash," Gauthier cautioned.

He noted that manufacturers of passenger vans (DaimlerChrysler, Ford and General Motors) have provided written notification to their dealers reminding them that federal law prohibits sales/leases of these vehicles for school transportation, and that they are subject to penalties for violations. Last October, for example, two dealers in Texas were fined a total of nearly \$6,000.

"School buses are subject to more safety requirements than any

other vehicle on the road, and NHTSA is researching additional safety enhancements. Federal regulators set the bar very high to make sure school buses are as safe as humanly possible," he added.

"How ironic that we have school buses that provide incredible protection for our young people, but some states have enacted laws permitting the use of a less safe alternative," Gauthier said. "Some require school buses for public school students, but permit the use of vans for private schools, day care centers, special education, Head Start and homeless students, and sporting events. All students deserve the superior protection afforded by the big yellow school bus, whether going to and from school or an extracurricular activity."

Every year, the nation's 440,000 school buses travel about 4.3 billion miles, transporting some 24 million children to and from school and school-related activities. They have an impressive safety record, unequaled in the transportation industry. An average of nine school-age children die each year as occupants of school buses, but most of these fatalities involved catastrophic crash circumstances.

"In contrast, more than 600 school-age children are killed each year in passenger cars, light trucks and vans during normal school transportation hours. Almost all of these deaths could be prevented if children rode in school buses," Gauthier said.

He credited the stellar safety performance of school buses to the sheer size of the bus that gives it the advantage in all but the most severe crashes; tough federal safety standards that exceed those required in other passenger vehicles; and the skill, special licensing and training requirements of school bus drivers.

A listing of states and their policies on van use for pupil transportation follows.

State Laws Concerning the Use of 12- & 15-Passenger Vans			
<i>State</i>	<i>To/From School</i>	<i>To/From School - related Events</i>	<i>Comments</i>
Alabama	No	No	None
Alaska	Yes	Yes	Until July 2001.
Arizona	No	Yes	None
Arkansas	No	No	None

			been reduced to 10 or less including the driver.
Colorado	Yes	Yes	None
Connecticut	No	Yes	None
Delaware	Yes	Yes	Since July 1, 1998, all vehicles purchased must meet school bus safety standards.
Florida	No	No	Does not apply to private schools.
Georgia	No	n/a	Not clear in the Georgia law.
Hawaii	Yes	Yes	On an exemption basis only.
Idaho	Yes	Yes	This law passed in 1999.
Illinois	No	Yes	None
Indiana	No	Yes	However, special education services us some vans.
Iowa	No	No	However, day care centers use vans.
Kansas	Yes	Yes	This law passed in 1998.
Kentucky	No	No	None
Louisiana	No	No	None
Maine	Yes	Yes	None
Maryland	No	No	Does not apply to private schools.
Massachusetts	Yes	Yes	State law restricts capacity to 8 passengers only. Also only allows coaches or teachers to drive if they are not compensated.
Michigan	Yes	Yes	Only if van was manufactured before 10-1-93. These vans cannot be used after 10-1-02.
Minnesota	Yes	Yes	If the van is reconfigured to a capacity of 10 or less.
Mississippi	Yes	Yes	Law does not prohibit the use of vans, but Dept. of Education will not approve van purchases.
Missouri	Yes	Yes	None
Montana	No	No	No law to enforce.
Nebraska	No	No	None

Nevada	Yes	Yes	None
New Hampshire	No	No	None
New Jersey	No	No	None
New Mexico	No	No	None
New York	No	No	None
North Carolina	No	No	Does not apply to private schools.
North Dakota	Yes	Yes	None
Ohio	No	No	None
Oklahoma	No	No	However, many districts ignore law.
Oregon	No	No	None
Pennsylvania	Yes	Yes	Only for vans that were in use 1993. No newer vans can be used.
Rhode Island	No	Yes	1999 law "grandfathers" non-conforming vans for activities until 2008.
South Carolina	Yes	Yes	None
South Dakota	No	No	None
Tennessee	No	No	None
Texas	No	Yes	None
Utah	No	No	None
Vermont	Yes	Yes	None
Virginia	No	No	Does not apply to private schools.
Washington	No	No	None
West Virginia	No	Yes	None
Wisconsin	Yes	Yes	Only "used" vans can be purchased and used.
Wyoming	No	Yes	Not allowed after 12-31-01.

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**Ensuring the Safety of Our Children:
A Letter to the Governor of Arkansas**

UNITED STATES SENATE
WASHINGTON, DC 20510

December 17, 1999

The Honorable Mike Huckabee
Governor of Arkansas
250 State Capitol
Little Rock, AR 72201

*Went out to
all state Governors*

Dear Governor Huckabee:

We are writing to ask your help to ensure- the safety of children traveling to and from school. In June of this year, the National Transportation Safety -Board (NTSB) conducted a noteworthy investigation on the use of buses that do not conform to federal safety standards for the transportation of children in school buses.

The NTSB study examined a series of school bus crashes occurring in 1998 and early 1999 in which a total of nine people were killed and thirty-six were injured. Most of the victims, including eight fatalities, were children. After a careful review of these incidents, the NTSB concluded the crash victims might have sustained fewer and less severe injuries had they been riding in buses that met federal safety standards for transporting children in school buses.

In general school bus travel is one of the safest forms of transportation in the United States. Each year more than 23.5 million children travel more than 4.3 billion miles on school buses. Despite the significant number of students transported and miles traveled, an average of nine children die each year. Obviously, any loss of life is tragic and this record can and should be improved.

The Congress, U.S. Department of Transportation (DOT) and the NTSB have consistently sought the highest level of safety for the transportation of school age children. In 1974, Congress directed the National Highway Traffic and Safety Administration (NHTSA) to establish school bus safety standards. These standards require higher levels of safety performance for school buses than other passenger vehicles, including rollover protection, body joint strength, emergency exits, and floor strength. These and other standards help to ensure the safety of children transported on school buses.

The Motor Carrier Safety Improvement Act of 1999, recently approved by the Congress and signed by the President, includes provisions designed to ensure proper skills and training of the school bus driver. Specifically, the Secretary of DOT is directed to

establish a special Commercial Driver's License endorsement for drivers of school buses and provide for consistent training and testing requirements among the states. At a minimum, the new bus driver standards will require a driving skills test in a school bus and address proper safety procedures for loading and unloading children using emergency exits, and traversing highway rail grade crossings.

While Congress and the Administration will continue working to improve and promote school bus safety, it is a matter of state discretion to require the use of school buses that conform to federal standards. Unfortunately, some school districts, day care centers, Head Start Facilities and others are hiring nonconforming buses and vans to transport school children. In the June study, the NTSB made three recommendations relevant to state governments:

- require that all vehicles carrying more than ten passengers and transporting children to and from school and school related activities (including, but not limited to Head Start programs and day care centers) meet federal school bus structural safety standards;
- revise State and local laws to eliminate any exclusions or exemptions pertaining to the use of age appropriate restraints in all seat belt-equipped vehicles carrying more than 10 passengers and transporting school children; and
- adopt and encourage the implementation of NHTSA's Guideline for the Safe Transportation of Preschool Age Children in School Buses by all operators of school buses that transport preschool-age children to and from school or school-related events.

Requiring the transportation of all children on buses that meet federal safety standards is one of the most important recommendations in the study. Such a requirement would help ensure that children travel to and from school in vehicles offering the highest possible level of safety protection. Ensuring the use of appropriate restraints could also reduce injuries and fatalities. Finally, the use of the guideline developed by NHTSA would further enhance the safety and operation of all vehicles used to transport children.

We will continue to work at the federal level to promote safe vehicles and practices in the transportation of children on school buses. Recognizing the vital leadership role of Governors and state officials, we hope that you, together with your State legislature, will join us in this effort by promoting a strong program to ensure the safety of children traveling to and from school. We look forward to working with you to achieve improved travel safety for all Americans.

Sincerely,

John McCain, Chairman
Senate Commerce Committee

Ernest F. Hollins, Ranking Democrat
Senate Commerce Committee

Jim Hall, Chairman
National Transportation Safety Board

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State of Wisconsin
2001 - 2002 LEGISLATURE

LRB-3044/1

PJH:hmh

2001 BILL

51 5-2-d

~~Don't~~ gen

- 1 AN ACT ~~Don't~~ relating to: school buses and alternative motor vehicles used for pupil
2 transportation.

Analysis by the Legislative Reference Bureau

Under current law, a school district or a private school may transport students to and from school and other educational activities in an alternative motor vehicle if students are not transported in a school bus. An alternative motor vehicle is a motor vehicle that is owned by or operated under contract with a school board or a private school and may transport ~~9~~^{nine} or fewer passengers. However, if an emergency exists and a school board or private school has the permission of the secretary of transportation, an alternative motor vehicle may transport ~~10~~^{ten} or more passengers.

~~Under current law,~~ a "school bus" is a vehicle that is specially painted as an identifiable school bus or any vehicle transporting ~~10~~^{ten} or more pupils to and from school and other educational activities.

This bill specifies that, absent an emergency and permission of the secretary of transportation, an alternative motor vehicle must be designed and used to transport ~~9~~^{nine} or fewer passengers. The bill also specifies that a school bus is a vehicle specially painted as an identifiable school bus or any vehicle that is designed and being used to transport ~~10~~^{ten} or more pupils to and from school or other educational activities.

BILL

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 121.555 (1) (a) of the statutes is amended to read:

121.555 (1) (a) A motor vehicle ~~transporting 9 or less~~ that is designed and used to transport 9 or fewer passengers in addition to the operator.

History: 1983 a. 175; 1985 a. 100, 240, 332, 337; 1987 a. 3, 358; 1989 a. 105, 176, 359; 1991 a. 39, 277; 1995 a. 113.

SECTION 2. 121.555 (1) (b) of the statutes is amended to read:

121.555 (1) (b) A motor vehicle ~~transporting~~ designed to transport 10 or more passengers in addition to the operator and used temporarily to provide transportation for purposes specified under s. 340.01 (56) (a) when the school board or the governing body requests the secretary of transportation to determine that an emergency exists because no regular transportation is available. The secretary of transportation shall approve or deny the request in writing. Any authorization granted under this paragraph shall specify the purpose and need for the emergency transportation service.

History: 1983 a. 175; 1985 a. 100, 240, 332, 337; 1987 a. 3, 358; 1989 a. 105, 176, 359; 1991 a. 39, 277; 1995 a. 113.

SECTION 3. 340.01 (56) (a) of the statutes is amended to read:

340.01 (56) ~~Subchapter~~ Subchapter

(a) Means a motor vehicle ~~which carries~~ that is designed and being used to transport 10 or more passengers in addition to the operator or a motor vehicle painted in accordance with s. 347.44 (1) for the purpose of transporting:

History: 1971 c. 100 s. 23; 1971 c. 201, 211, 233, 277, 307; 1973 c. 86, 157, 182, 185, 272, 333, 335; 1973 c. 336 s. 79; 1975 c. 25, 120, 121, 136, 192, 199, 320, 326; 1975 c. 429 ss. 2m, 2r, 3, 4, 8, 9; 1977 c. 5; 1977 c. 29 ss. 1405 to 1410, 1654 (3); 1977 c. 30 s. 5; 1977 c. 43, 55, 57, 116, 193, 272, 288, 418; 1979 c. 36, 221; 1979 c. 333 s. 5; 1979 c. 345; 1981 c. 20, 159, 329; 1983 a. 27, 78, 124, 130, 175; 1983 a. 189 ss. 249, 329 (17m), (24); 1983 a. 223, 227, 243, 270, 457, 459; 1983 a. 512 s. 8; 1983 a. 538; 1985 a. 29, 65; 1985 a. 146 s. 8; 1985 a. 165, 187, 287; 1987 a. 259, 270, 349, 399; 1989 a. 31; 1989 a. 75 s. 1; 1989 a. 102; 1989 a. 105 ss. 13 to 30, 37, 41, 42; 1989 a. 134, 170; 1991 a. 39, 239, 269, 277, 316; 1993 a. 15, 16, 63, 159, 198, 213, 246, 260, 399, 436, 490; 1995 a. 27 s. 9145 (1); 1995 a. 36, 77, 113, 138, 225, 436, 448; 1997 a. 27, 164, 252, 277; 1999 a. 9, 31, 80, 85, 109, 140.

SECTION 4. Initial applicability.

BILL

① (1) The treatment of sections 121.55 (1) (a) and (b) of the statutes first applies
2 to transportation provided under contracts entered into, extended, modified, or
3 renewed on the effective date of this subsection.

SECTION 5. Effective date.

5 (1) This act takes effect on July 1, 2002.

6 (END)

Basford, Sarah

From: Hurley, Peggy
Sent: Monday, June 11, 2001 11:00 AM
To: Basford, Sarah
Subject: FW: LRB3044/1

Sarah, would you please jacket this for Beth? Thanks!

Peggy J. Hurley
Legislative Attorney
Legislative Reference Bureau
100 North Hamilton Street
Madison, Wisconsin 53701
608 266 8906

-----Original Message-----

From: Piliouras, Elizabeth
Sent: Monday, June 11, 2001 10:58 AM
To: Hurley, Peggy
Subject: LRB3044/1

Peggy - can we get this jacketed for Senate? We seem to have lost the original LRB cover memo you sent over... :-)

Thanks,
Beth

Beth Piliouras
Legislative Assistant/Committee Clerk
Office of Senator Roger Breske, 12th District
Room 18 South, Capitol Building
608/266-2509
elizabeth.piliouras@legis.state.wi.us